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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Information presented by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Commissioner for Human Rights of the Republic of Azerbaijan,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

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Annex

[English only]

Submission by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan

Domestic violence against women and girls violates the fundamental human rights of women and it is therefore regarded as human rights issue to be addressed by human rights mechanisms and treaties.

The Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention) is an important tool for advocating and monitoring women's human rights. The Office of the Commissioner for Human Rights of the Republic of Azerbaijan takes active and important role in eliminating and preventing domestic violence against women and girls. The Commissioner promotes the rights of women and put forward recommendations in order to improve the national legislation and bring it into conformity with the international treaties. The Commissioner also, within the mandate enshrined in the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (hereinafter the Constitutional Law), monitors government's implementation of treaties in the country.

The Commissioner pays special attention to prevention of violence against women and the domestic violence, including the measures taken for drawing up of the rehabilitation programs for the women suffered from domestic violence, strengthening of struggle against violence against women, establishment of remedies, shelters for victims of such kind of violence, provision of necessary compensation, rehabilitation, medical and psychological assistance and achievement of gender equality.

As a National Preventive Mechanism, the Commissioner regularly visits detention places of women. During these visits the Commissioner learns the conditions and state of the pregnant prisoners as well as informs them about their reproductive rights. Upon finding any violation of rights, the Commissioner urges to the administration of the prison or the relevant state bodies.

The Commissioner took the awareness-raising measures serving to rational protection of rights and freedoms, dissemination and increase of legal knowledge, as well as of legal culture.

It is noteworthy that "Azerbaijan: Vision 2020", which provides a conceptual framework for sustainable development policies over the next 6 years, has a specific reference for the promotion of gender equality. This illustrates the political will to ensure that the challenges encountered by women and girls are not overlooked and the principles of respect for human dignity and equality of all are strictly adhered to.

The Commissioner proposed the government to ratify the European Convention against Child Sexual Exploitation and Abuse and to create special Committee on family, women, and children issues within the country Parliament in order to protect and to promote interests of these groups of the population.

The Ombudsman Office conducts monitoring in the temporary detention places of the Department against Trafficking of the Ministry of Interior, the Department of Irregular Migrants in the Head Office of the Passport, Registration and Migration under the Ministry of Interior. During those monitorings, Ombudsman's staff members interview the detainees, monitor their detention conditions and treatment, also control the relevant documentation

regarding the lawfulness of their detention and explain them their rights. The administrations of those facilities are also given appropriate recommendations.

This should be noted that in the National Action Program on to raise Effectiveness of Protection and Promotion of Human Rights and Freedoms in the Republic of Azerbaijan approved by the country President's Decree on December 28, 2011, this is particularly emphasized to recommend the Ombudsman to lead the activity of the working group on coordination of the implementation of the program in close cooperation with civil society institutions. This significant document also highlights the important aspects of protection and further promotion of women's rights.

The XII Baku International Conference of Ombudsmen on "The Role of National Human Rights Institutions in Ensuring Women's Rights" was devoted to 18 June-Human Rights Day and to 20th anniversary of the National Commission of the Republic of Azerbaijan for UNESCO, to Cairo Conference on Population and Development, the Beijing Declaration and Platform for Action and to the 35th anniversary of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Along with the government, the Commissioner prepared complementary reports on the implementation of the recommendations of the CEDAW Committee, CRC Committee as well as regarding to the Universal Periodic Review (UPR) and submitted them to the appropriate UN agencies. In this respect, the Commissioner plays an important role in assisting the Government in the implementation of the UN conventions, declarations, protocols and treaties.

The Complementary Report on the activity of the Commissioner for Human Rights (Ombudsman) to the fifth periodic report of the Republic of Azerbaijan on the Elimination of All Forms of Discrimination against Women was prepared in accordance with the issues and recommendations raised in the Concluding Comments of the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) during the consideration of the fourth periodic report of the Republic of Azerbaijan and covers the developments on elimination of discrimination against women and gender equality during the period 2008–2014.

As a unique National Human Rights Institution in the country, Ombudsman Institute provides trainings for the law enforcement officials on how to treat the cases of discrimination against women and girls, and restore the rights of the victims. With relevant state bodies and NGOs, the Commissioner works on the establishment of the refugee centres for the victims of domestic violence as well as the provision of the possibility for them to obtain a skill and profession to become financially self-sufficient and help victims to have access to justice.

The United Nations Declaration on the Elimination of Violence against Women (1994) defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty". This violence may occur both in public and private spheres. It is that act that is directed to a woman because she is born a woman and such violence affects her disproportionately.

In this case, not all acts of gender based violence affect women only but also male are victims of gender based violence in certain circumstances. Women are affected differently due to their gender division of labor, roles and responsibilities.

The fight against women's violence was acknowledged by the United Nations (UN) Declaration on the Elimination of Violence against Women in 1993. In 1995, the Beijing Declaration and Platform for Action agreed to the UN World Conference on Women. The platform insisted that violence against women inclusive of gender based violence needed a

punishable action as a crime under the law. This would be followed by measures in times of war and among other crimes committed against women.

The United Nations show that violation of women's human rights includes not only acts committed by governments but that government has got to bear social and political responsibility to stop violence against women.

The Commissioner made her contribution to the development of the domestic Law. The Commissioner participated in the discussions on the Law on Domestic Violence lobbying at the country Parliament and submitted numerous recommendations on its improvement. As a result, the law was finally adopted in the year of 2010. The Commissioner prepared the proposals on developing the mechanisms for implementing the above-mentioned law as well as changes and amendments to the Criminal Code and Criminal Procedure Code.

Ombudsman deems necessary and proposed the Parliament to ratify the CoE Convention on preventing and combating violence against women and domestic violence dated 11 May 2011, with intent to improve the activities for preventing the violence and more protection of rights of persons, suffered from such a treatment, women's in particular as well as hold educational acitivities for the ensuring gender equality and women's rights within the CoE Gender Equality Strategy for 2014-2017.

Since the adoption of the Millennium Development Goals (MDGs) in the UN Summit of 2000, numerous activities were implemented and positive achievements were reached in Azerbaijan. In order to achieve MDG goal 5 (improvement of maternal health), various measures were taken by the Ombudsman Office as well for decreasing the rate of maternal mortality and morbidity at the national level.

First, upon the initiative of the Commissioner, the implementation work of the Law on "Protection of Reproductive Rights and Family Planning" was done. With the view of promoting the adoption of this Law, the Commissioner launched round table discussions dedicated to the relevant legislation and meetings with intent to encourage parliamentarians, representatives of appropriate state agencies, UNICEF Baku Office, healthcare services, NGOs and mass media to actively participate in the implementation process of this document.

The Commissioner held a range of trainings on women's rights with participation of staff of Regional Offices, rural women, and IDP and refugee women settled in those areas, local NGOs and communities. During those meetings, women were provided with legal consultations. Special attention should be paid to the problems of early marriages, unofficial marriages without state registration, growing number of divorces, as well as registration of childbirth, especially in the rural districts. Ombudsman proposed to establish the State Alimony Fund to support women and children in the incomplete families.

As one of the main outcomes of the United Nations Conference on Sustainable Development (Rio+20) was the agreement by Member States to launch a process to develop a set of sustainable development goals (SDGs).

The goals should address in a balanced way in all three dimensions of sustainable development and be comply with and integrated into the UN development agenda beyond 2015. I would like to mention that the goal 5 of the draft sustainable development goals which proposed by Open Working Group is to achieve gender equality and to empower all women and girls.

In conclusion to prevent violation against women and girls I would like to purpose the following recommendations:

- To prepare and retrain social workers (working with victims of domestic and sexual violence);

- To adopt a law on sexual harassment and to make the necessary amendments to the Labor Code provisions for the criminalization of sexual harassment at the workplace;
- To strengthen measures on investigation and punishment for sexual harassment in the workplaces, educational sphere and adopt an appropriate legislation;
- To improve the national legislation according to Law on equal rights and opportunities;
- To promote gender policy and quota for women's representation in decision- making and in staff, in the workplace in state and private sectors;
- To initiate awareness raising campaigns and education programs targeting the whole population including representatives of state and private sectors, promoting women's rights for employment and equal treatment issues;
- To conduct regularly investigations and researches in order to learn the level of spreading, causes and consequences of all forms of discrimination and violence against women, including domestic violence.